

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SHAWNA DAVIDSON,

Plaintiff,

v.

KAY'S CAFE, INC. et al.,

Defendants.

Case No. 5:23-cv-02061-SB-SHK

ORDER OF REMAND

Plaintiff Shawna Davidson, as Trustee of the James Stewart Davidson Trust, filed an unlawful detainer action in state court against her tenants, Defendants Kay's Cafe, Inc. and Tony Shin. Defendant Shin, purportedly together with Chung Shin and Su Noh—who are not named in the unlawful detainer action but appear to reside at the same property—nevertheless removed the case *pro se*, invoking the Court's federal question jurisdiction based on Chung Shin and Su Noh's filing for bankruptcy, which they contend should have prevented the state court from issuing a writ of execution. Dkt. No. [1](#).

The notice of removal identified federal question jurisdiction under 28 U.S.C. § [1331](#) as the sole basis for federal jurisdiction. Because the complaint alleges no federal claims, the Court ordered Defendants to show cause why the case should not be remanded for lack of subject-matter jurisdiction. Dkt. No. [7](#). In response, Defendant Tony Shin—together with three other individuals not named in the unlawful detainer action but who identify themselves as Defendants—no longer invokes federal question jurisdiction but asserts that the Court has diversity jurisdiction because Yu An, whom he describes as “one of the Defendants,” is an Illinois resident. Dkt. No. [10](#). This argument fails. Yu An is not named as a defendant in the unlawful detainer action, so her citizenship is irrelevant for diversity purposes. In any event, “[d]iversity removal requires complete diversity, meaning that each plaintiff must be of a different citizenship from each defendant.”

Grancare, LLC v. Thrower, 889 F.3d 543, 548 (9th Cir. 2018). Defendant Shin does not identify the citizenship of any of the parties to the removal action, much less show that they are completely diverse.

Because Defendant Shin has not shown any basis for this Court to exercise jurisdiction, the action was improperly removed and must be remanded. Accordingly, the Court REMANDS this action to the San Bernardino County Superior Court.

Date: October 31, 2023



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Stanley Blumenfeld, Jr.  
United States District Judge